

**UNITED STATES DISTRICT COURT**

74-C-602

**Jury demand date:** 12-26-74 by Pltf.  
4-18-75 by Pltf.

TITLE OF CASE				ATTORNEYS			
STATE BANK OF GROVE  v.  GEORGE FOX and the CHETOPA STATE BANK				For plaintiff: Conrad C. Lysiak David W. Jackson Schuman, Milsten and Jackson 2601 Fourth National Bank Bldg. Tulsa, Oklahoma 74119 <i>918 583-7575</i>  Wallace & Owens Miami, OK 74354          For defendant: Walter C. Williamson (Chetopa St. Bk.) Kidwell, O'Keefe & Williamson, Chartered Suite 750, 200 West Douglas Wichita, Ks 67202 (316-263-6141)  Mr. Bert C. McElroy (Chetopa) 1634 South Boulder Tulsa, OK 74119 583-5000			
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>Jan 1, 1975</i>	Clerk			12/26/74	Schuman	15.00	
J.S. 6 mailed <i>10-1-76</i>	Marshal			1-2-75	C/D #30		15 00
Basis of Action: fraud. statement made to obtain loan, restraining order and judgment.	Docket fee						
Action arose at:	Witness fees						
	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-26-74	1. COMPLAINT, filed, SUMMONS, issued.jj	
12-26-74	2. APPLICATION for Temporary Restraining Order and Mtn. for Preliminary Injunction, filed. O to J	
12-30-74	3. Temporary Restraining Order and order setting hearing on Pltf's motion for preliminary injunction on 1-7-75, at 11:00 A.M., filed.(AEB-J)b <i>by PJ</i>	
1-6-75	4. Certificate of service of TRO & Order setting, filed. Served George Fox & Chetopa State Bank by certified mail on 12-31-74, at Chetopa, Kansas. k	
1-6-75	5. Pltf's brief in support of pltf's applic. for preliminary injunction, filed. hm	
1-7-75	MO: Case called for hearing on TRO. Pltf. represented. Deft. rep. by special appearance of counsel. Pltf. requests continuance of TRO until ruling on deft.'s Mot. to Dismiss to be filed in two or three days. It is ordered that a hearing be set upon such motion on Tuesday, 1-14-75 at 10:45 a.m., and that all briefs re such motion be filed prior to that time. Upon agreement of parties, the TRO will remain in effect until such time that a hearing upon the merits can be set up, after the jury session of 1-27-75. (AEB-J)k <i>notices mailed</i>	
1-10-75	6. Deft. Chetopa State Bank's Motion to Dismiss pursuant to Rule 12 (b) (1), (2), (6) & ( 7), filed.k <i>by PJ</i>	
1-10-75	7. Pltf's memorandum brief in opposition to deft. Chetopa State Bank's mot. to dismiss, filed.k	
1-13-75	MO: It is ordered by the Court that Deft. Chetopa State Bank's Mot. to Dismiss is hereby stricken from hearing on 1-14-75 as being prematurely set. (AEB-J)k <i>attys phoned by Mike</i>	
1-13-75	8. Motion of Pltf. for Continuance, filed. v <i>(move as above mo. takes rule 12(b)(1) as basis)</i>	
1-14-75	9. Pltf's Notice of Dismissal of George Fox, filed. b	
1-14-75	10. Deft. Chetopa St. Bk's Brief in Support of Motion to Dismiss Pltf's complaint, filed. b	
1-14-75	Case called for hearing on motion to dismiss. Pltf. <del>rep</del> represented. Deft. represented. Pltf. makes motion for dismissal of George Fox. Deft. objects to dismissal of Fox on grounds of indispensable party. Pat Malloy III, given three days extension to file brief. Deft. given three days to file brief in response regarding Fox as indispensable party.(AEB-J)b	
1-17-75	11. Plaintiff's supplemental brief in opposition to the defendant's motion to dismiss, filed. ds	
1-17-75	12. Memorandum brief, filed by deft. Fox. k	
1-23-75	Summons, ret. & filed: served Chetopa State Bank and George Fox, Chetopa, Ks., 1-17-75. (USM \$18.80)g	

*no record*

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
4-4-75	13. Pltff's 2nd Supplemental Brief in Opposition to Deft's Mtn. to Dismiss, filed.jj	
4-8-75	14. ORDER, filed, dismissing George Fox without prejudice; overruling Motion to Dismiss filed by Chetopa Bank; granting pltf. 10 days from this date to amend Complaint; and granting Chetopa State Bank 10 days after said amendment is filed to plead or answer. (AEB-J) lm cps mld	
4-18-75	15. 1st AMENDED COMPLAINT, filed by pltf.jj JURY TRIAL DEMANDED	
5-1-75	16. Request for production of documents, filed. lm	
5-21-75	MO: Case referred to Mag. Bradford for hrg/rec re pending mots. (AEB-J)k	
6-19-75	17. Application for Enlargement of Time to Respond to Request for Production of Documents and to Plead, filed. <i>o to g</i>	
6-20-75	18. Order Enlarging Time to Respond to Request for Production of Documents and to Plead, filed. (AEB-J) mm cps mld	
6-20-75	19. Deft.s Motion to Dismiss Pursuant to Rule 12 (b) (1), (2), and (6), filed. mm	
6-20-75	20. Supplemental Brief of Deft. Chetopa State Bank, in Support of its Motion to Dismiss and Motion to Quash Service of Process, filed. mm	
	MO: IT IS ORDERED BY THE COURT THAT THE PLAINTIFF FILE A RESPONSIVE BRIEF WITHIN TEN DAYS TO THE DEFENDANTS MOTION TO DISMISS TO RUIE 12 (b) (1), (2), & (6), filed. mm (AEB-J) cps mld	
6-20-75	21. Response to Pltff's Request for Production of Documents, filed. mm	
6-25-75	22 Pltff's brief in opposition to deft's mot. to dismiss and mot. to quash service of process, filed. g	
8-13-75	Case called for hearing on DeftChetopa State Bank's motion to dismiss, objection to dismissal of Deft. Fox, & motion & supplemental brief of Chetopa St. Bank to dismiss and to quash service of process. Parties represented. Deft's motion is sustained. Deft's objection to dismissal of Deft. Fox moot., matter previously ruled on by Judge Barrow.(MLB-Mag) b	
8-29-75	23 Findings and Recommendations of Magistrate, filed.(MLB-Mag) b cps mld	
9-5-75	24. Objections to Findings and Recommendations of Magistrate, filed by Pltff. v	
1-13-76	MO: It is ordered by the Court that Deft. file a responsive brief within 10 days to pltf's obj. to F&R of Mag. (AEB-J)k cps mld	
1-21	25. Deft's reply to obj. to F&R of Mag., filed. hm	
2-24	26. Pltff's appl. for oral argument on a date certain on Objections to F&R of Mag., filed.k <i>o to g</i>	

DATE	PROCEEDINGS	Date Order or Judgment Note
7-15	27 Supplement to Deft's Motion to dismiss, filed. b 28. Supplemental Memo of Deft. in Support of motion to dismiss, filed. b	
9-2	MO: The Court having considered the letter of Walter C. Williamson dated 8-30-76, wherein it is stated that counsel for Pltf. & Deft. have agreed to w/draw the request for oral argument. IT IS ORDERED that the Request to withdraw request for oral argument is granted. (AEB-J)b ltr mld & entered	
9-28	Order, filed, that the Mot. to Dismiss filed by deft. Chetopa State Bank is sustained, and the cause of action and complaint are dismissed without prejudice to refiling in the appropriate forum. Further that the objections are overruled, and that the request for discovery filed by the pltf. is denied.s (AEB-J) cps. mld.	